

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES  
Regular Meeting

October 8, 2012

Closed Session 6:00 p.m.  
Open Session 7:00 p.m.

**AGENDA**

**CLOSED SESSION AT 6:00 P.M.**

1. **CALL TO ORDER**
2. **CLOSED SESSION COMMENTS**
3. **CLOSED SESSION** (as authorized by law)
  - A. **STUDENT EXPULSIONS** **EXHIBITS 3 A1-A2**  
Deliberations of Findings of Fact and Recommendations  
(Pursuant to Education Code §48918(c) and §35145)
  - B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** **EXHIBIT 3 B1-B2**  
Significant Exposure to Litigation – Two Cases  
(Pursuant to Government Code §54956.9(b)(1))
  - C. **PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT** **EXHIBITS 3 C1-C3**
    - 1) Director VI, Curriculum and Instructional Support
    - 2) Director I, Maintenance and Operations
    - 3) Assistant Principal, Middle School  
(Pursuant to Government Code §54957)

**PUBLIC HEARING: Agenda Item #1– Resolution No. 1213-25 Statement of Assurance for Instructional Materials  
Realignment Fund, Fiscal Year 2012-2013**

**RECORDING OF SCHOOL BOARD MEETINGS**

**In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded**

**OPEN SESSION AT 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA – ROLL CALL**

**REPORT ON CLOSED SESSION ACTION**

**SPECIAL RECOGNITIONS**

*Brody Jones – Climbed Mt. Whitney*

*Student Body President's Report – Aliso Niguel High School*

**BOARD AND SUPERINTENDENT COMMENTS**

**ORAL COMMUNICATIONS (Non-Agenda Items)**

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

**PUBLIC HEARING**

**1. PUBLIC HEARING – RESOLUTION NO. 1213-25, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS REALIGNMENT FUND, FISCAL YEAR 2012-2013: INFORMATION/ DISCUSSION**

The Board will conduct a public hearing on Resolution No. 1213-25, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2012-2013. Supporting information is located in Exhibit 2.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Julie Hatchel, Assistant Superintendent, Education Services*

Staff Recommendation:

It is recommended the Board President open the public hearing, determine if members of the public have submitted requests to speak on the item, and after hearing any speakers, formally close the public hearing.

**DISCUSSION/ACTION ITEMS**

**2. RESOLUTION NO. 1213-25, STATEMENT OF ASSURANCE FOR INSTRUCTIONAL MATERIALS REALIGNMENT FUND, FISCAL YEAR 2012-2013: DISCUSSION/ ACTION  
Page 1**

California Education Code §60119 specifies that a public hearing shall be held in order to receive funding for the Pupil Textbook and/or Instructional Materials Realignment Program and encourages participation by parents, teachers, members of the community, and bargaining unit leaders. Education Code §60252 specifies that all purchases of instructional materials made from the State Instructional Materials Fund shall conform to law and the applicable rules and regulations. The Board of Trustees shall make a determination through a resolution as to whether each pupil in each school in the District has sufficient textbooks and/or instructional materials in each of the following subject areas: English/Language Arts, History/Social Science, Health, Mathematics, Science, World Languages, and science laboratory equipment. There are no financial implications associated with this agenda item.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Julie Hatchel, Assistant Superintendent, Education Services*

**EXHIBIT 2**

Staff Recommendation:

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present this item.

Following discussion, it is recommended the Board of Trustees adopt Resolution No.1213-25, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2012-2013.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

ROLL CALL:

Student Advisor Madison Wolfert \_\_\_\_\_

Trustee Addonizio \_\_\_\_\_

Trustee Alpay \_\_\_\_\_

Trustee Brick \_\_\_\_\_

Trustee Bryson \_\_\_\_\_

Trustee Hatton \_\_\_\_\_

Trustee Palazzo \_\_\_\_\_

Trustee Pritchard \_\_\_\_\_

**3. SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS MAGNET SCHOOL:**

This item will review the conceptual framework for the development of a Science, Technology, Engineering, Arts, and Mathematics (STEAM) magnet school targeted to open in September, 2013. The magnet school program will provide a school of choice for students desiring to specialize in project-based learning focusing on STEAM content areas. The purpose of this STEAM magnet would be to develop prerequisite skills necessary for students to compete in a 21<sup>st</sup> century global economy, including creativity and innovation, critical thinking and questioning, and collaboration and teamwork.

***CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment***

***Contact: Julie Hatchel, Assistant Superintendent, Education Services***

Staff Recommendation:

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present information on this item and answer any questions Trustees may have. This is an information and discussion item only and no Board action is necessary.

**4. EDUCATION THROUGH MUSIC:**

*Education Through Music* (ETM) is an instructional model that promotes the integration of music into the curricula in order to enhance students' academic performance and general development. Over the last several years, individual District teachers have voluntarily participated in training in these strategies, and implemented the practices within their classroom. Last year, the District hosted a workshop on ETM, with over 40 teachers attending the two-day weekend event. This discussion will provide an overview of the guiding principles of ETM, and examples of its implementation within a classroom.

***CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment***

***Contact: Julie Hatchel, Assistant Superintendent, Education Services***

Staff Recommendation:

It is recommended the Board President recognize Julie Hatchel, Assistant Superintendent, Education Services, to present information on this item and answer any questions Trustees may have. This is an information item only and no Board action is necessary.

INFORMATION/  
DISCUSSION  
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**EXHIBIT 3**

INFORMATION/  
DISCUSSION

**5. SURETY AGREEMENT FOR TAKEOVER AND COMPLETION OF PROJECT – BID NO. 1011-11, CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS THEATER:**

DISCUSSION/  
ACTION  
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**EXHIBIT 5**

At the June 13, 2011, Board meeting, the Board of Trustees awarded Bid No. 1011-11, Capistrano Valley High School Performing Arts Theater to Edge Development, Incorporated, in the amount of \$11,975,007. On Friday, September 14, 2012, Safeco Insurance Company of America and Liberty Mutual Insurance Company (“the Surety”), for the performing arts theater project, notified the District that Edge Development and its subcontractors would be demobilizing and no physical construction work would be performed after September 14, 2012. This was considered by the District a material breach of the original contract with Edge Development, Incorporated. This agenda item seeks Board approval to enter into a takeover agreement with the Surety to complete the original contract pursuant to all of its original terms, conditions, and provisions pursuant to its/their obligations under the Performance Bond and Original Contract.

***CUSD Strategic Plan Pillar 5: Effective Operations***

***Contact: Clark Hampton, Deputy Superintendent, Business and Support Services***

Staff Recommendation

It is recommended the Board President recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

Following discussion, it is recommended the Board of Trustees approve the Surety Agreement for Takeover and Completion of Project – Bid No. 1011-11, Capistrano Valley High School Performing Arts Theater.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

**GENERAL FUNCTIONS**

**6. SCHOOL BOARD MINUTES:**

Approval of the minutes of the September 24, 2012, regular Board meeting.

***Contact: Jane Boos, Manager, Board Office Operations***

Page 37  
**EXHIBIT 6**

**CURRICULUM & INSTRUCTION**

**7. EXPULSION READMISSIONS:**

Approval to readmit students from expulsion. Due to the confidential nature of student expulsion readmissions, the supporting information is provided to Trustees under separate cover.

***CUSD Strategic Plan Pillar 2: Safe and Healthy Schools***

***Contact: Julie Hatchel, Assistant Superintendent, Education Services***

**8. FIRST AMENDMENT TO RESOLUTION NO. 1213-01, ACCEPTANCE OF THE 2012-2013 CALIFORNIA STATE FUNDED PRESCHOOL CONTRACT:**

Page 43  
**EXHIBIT 8**

Approval of the first amendment to Resolution No. 1213-01, Acceptance of the 2012 - 2013 California State Funded Preschool Contract. Trustees approved Resolution No. 1213-01 at the July 25, 2012, Board meeting; however, the District has been notified by the California Department of Education of the following changes to the agreement: the maximum reimbursable amount payable pursuant to the provisions of the agreement shall be amended by deleting reference to \$2,186,487 and inserting \$2,210,692, and the minimum child days of enrollment requirement shall be amended by deleting reference to 63,598.0 and inserting 64,301.7. There is no adverse impact on the general fund.

*CUSD Strategic Plan Pillar 3: Academic Achievement and Enrichment*

*Contact: Dr. Julie Hatchel, Assistant Superintendent, Education Services*

**BUSINESS & SUPPORT SERVICES**

**9. PURCHASE ORDERS, COMMERCIAL WARRANTS, AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:**

Page 47  
**EXHIBIT 9**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2). The expenditures related to the listed purchase orders and commercial warrants included in this item were previously authorized as part of the District's budget approval process. The purchase orders total \$8,390,855.68; the commercial warrants total \$3,401,325.73. Attachment 3 is a list of previously Board-approved bids and contracts to assist in the review of the purchase order and commercial warrant listings.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**10. DONATION OF FUNDS AND EQUIPMENT:**

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**EXHIBIT 10**

A number of gifts have been donated to the District, including \$295,948.91 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of donated items or the expenditure of any District funds for continued use.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**11. INDEPENDENT CONTRACTOR, MASTER CONTRACT, AND PROFESSIONAL SERVICES AGREEMENTS:**

Page 71  
**EXHIBIT 11**

Approval and ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements. The State of California is in financial crisis, and as a result, California school budgets have been cut by 25 percent over the past four years. Because of these significant cuts, staff requests contractors to reduce their fees for services by ten percent. The expenditures related to the listed agreements were previously authorized as part of the District's budget approval process. The agreements total \$8,000.

Due to the size of the contract documents, the General Conditions for each type of agreement are posted online on the District's Board Agendas and Supporting Documentation page.

*CUSD Strategic Plan Pillar 2: Safe & Healthy Schools*

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**12. SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENTS:**

Approval of the ratification of special education Informal Dispute Resolution agreement Case #080512, Case #080612, Case #080912, Case #081012, Case #081112, and Case #091212. Due to the confidential nature of the agreements, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**13. SPECIAL EDUCATION SETTLEMENT AGREEMENT:**

Approval of the ratification of special education settlement agreement #2012080850. Due to the confidential nature of the agreement, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**14. AMENDMENT TO A SPECIAL EDUCATION INFORMAL DISPUTE RESOLUTION AGREEMENT:**

Approval of an amendment to special education Informal Dispute Resolution agreement Case #052511. Due to the confidential nature of the agreement, supporting information is provided to Trustees under separate cover.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

**15. RATIFICATION OF CHANGE ORDER NO. 13 – BID NO. 1011-11, CAPISTRANO VALLEY HIGH SCHOOL PERFORMING ARTS CENTER:**

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**EXHIBIT 15**

Ratification of Change Order No. 13 related to the construction of the Capistrano Valley High School Performing Arts Center. In a previous action, the Board of Trustees delegated to the Superintendent the authority to approve work orders changing the cost of construction contracts, provided the cost does not exceed \$25,000 per individual work order. This change order aggregates various work orders that may consist of additions, deletions, or other revisions that are now being presented to the Board of Trustees for ratification. All such changes in the work are performed under applicable conditions of the change in contract documents. The approved work orders and the resulting change orders are shown in the exhibit. The original contract sum was \$11,975,007. The new contract sum including Change Order No. 13 is \$12,471,699.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**16. AMENDMENT TO AGREEMENT BID NO. 1112-11, WEED ABATEMENT SERVICE, ADDITIONAL FUNDS:**

Page 113  
**EXHIBIT 16**

Approval of Amendment to Agreement Bid No. 1112-11 for weed abatement service with E. Stewart and Associates, Incorporated, increasing the “not to exceed” amount to \$150,000 for additional services as requested by the District. Expenditures will be funded from the deferred maintenance and the routine restricted maintenance accounts.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

**PERSONNEL SERVICES**

**17. RESIGNATIONS/RETIREMENTS/EMPLOYMENT–CLASSIFIED EMPLOYEES:**

Page 123  
**EXHIBIT 17**

Approval of the activity list for employment, separation, and additional assignments of classified employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*

**18. RESIGNATIONS/RETIREMENTS/EMPLOYMENT – CERTIFICATED EMPLOYEES:**

Page 129  
**EXHIBIT 18**

Approval of the activity list for employment, separation, and additional assignments of certificated employees. These positions will be charged to the appropriate fund and are included in the adopted budget.

*CUSD Strategic Plan Pillar 5: Effective Operations*

*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*

**19. AUTHORIZATION OF COACHES TO PROVIDE FIRST SEMESTER PHYSICAL EDUCATION CREDIT:**

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**EXHIBIT 19**

Approval of teachers who are credentialed in subjects other than physical education to provide physical education credit to students in that respective sport. Districts may assign a teacher with a credential in a subject area other than physical education to coach a competitive sport and award physical education credit to students. State law requires that such teachers be full-time employees of a district, complete a minimum of 20 hours of first-aid instruction, have training on the harmful effects of steroid use, and be approved by the Board of Trustees. It has been determined that all teachers who do not hold a physical education credential, but are assigned coaching activities for which such credit is given, are full-time employees of the District and have completed cardio pulmonary resuscitation and first-aid instruction. Additionally, these coaches have attended or are in the process of attending a training program based on the Victory With Honor curriculum, which includes discussion on the dangerous effects of steroids. Coaching stipends are budgeted and funded through the general fund or through booster club donations.

*CUSD Strategic Plan Pillar 5: Effective Operations.*

*Contact: Jodee Brentlinger, Assistant Superintendent, Personnel Services*

Motion by _____	Seconded by _____
ROLL CALL:	
Student Advisor Madison Wolfert _____	
Trustee Addonizio _____	Trustee Bryson _____
Trustee Alpay _____	Trustee Hatton _____
Trustee Brick _____	Trustee Palazzo _____
	Trustee Pritchard _____

**NOTE: BY USING A ROLL CALL VOTE FOR THE CONSENT CALENDAR, IT WILL MEET THE NEED FOR ACTION ITEMS WHICH REQUIRE A SIMPLE MOTION OR ROLL CALL VOTE.**

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS WEDNESDAY, OCTOBER 24, 2012, 7:00 P.M. AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM, 33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:

[www.capousd.org](http://www.capousd.org)

## INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

### WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

**ITEMS ON THE AGENDA.** Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

**ORAL COMMUNICATIONS (Non-Agenda Items).** Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

**PUBLIC HEARINGS.** Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

**CLOSED SESSION.** In accordance with Education Code §35146 and Government Code §54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

#### REASONABLE ACCOMMODATION

*In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.*